

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CR 05-PT-61-S

**JEWELL C. "CHRIS" McNAIR
GRADY R. "ROLAND" PUGH
JOSEPH E. "EDDIE" YESSICK
ROLAND PUGH CONSTRUCTION, INC.
BOBBY J. RAST
DANIEL B. "DANNY" RAST,
RAST CONSTRUCTION, INC.
FLOYD W. "PAT" DOUGHERTY
F. W. DOUGHERTY ENGINEERING
& ASSOCIATES, INC.**

Defendants

ORDER

This cause comes on to be heard on Defendants Bobby J. Rast and Daniel B. "Danny" Rast's Objections to Magistrate Judge's Report and Recommendation filed on March 3, 2006 regarding defendants' Motion to Strike Portions of Second Superseding Indictment filed on September 29, 2005, Motion to Dismiss filed on August 9, 2005 and Motion to Dismiss Second Superceding Indictment filed on September 26, 2005.

The court concludes that the indictment should be redacted to exclude paragraphs 3 and 4 under the caption "THE JEFFERSON COUNTY ENVIRONMENTAL SERVICES DEPARTMENT." The paragraphs should be renumbered for consistency.

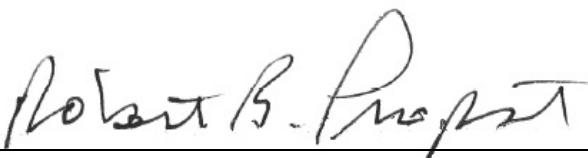
These defendants and other defendants have over-emphasized certain "*quid pro quo*" language that is used in *Medley* and other cited cases. The court will address that issue in a

separate opinion.

The court concludes that the indictment is not vague, confusing and misleading. The alleged *quid pro quo* is the alleged corrupt intent to influence or be influenced in connection with the JCESD sewer construction contracting program. The indictment tracks the language of the statute and specifically lists payments and overt acts.

The court otherwise adopts the Report and Recommendation of the magistrate judge and the subject objections are **OVERRULED** except as stated above.

DONE and **ORDERED** this the 24th day of March, 2006.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE